

Attachment B

**Inspection Report
13 Oatley Road, Paddington**



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Notes

1/11/2022

**Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: 2855067

Officer: Andrew Venios

Date: 25 October 2022

Premises: 13 Oatley Road, Paddington

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 21 September 2022 with respect to matters of fire safety.

FRNSW's inspection resulted from the 'Project Remediate' program being undertaken by the NSW Department of Customer Service. This is a voluntary program to help remove combustibile cladding on residential apartment buildings throughout NSW.

The premises consist of a five (5) storey residential building containing forty eight (48) residential units and a basement carpark.

The premises is fitted with external combustibile cladding. The City's cladding compliance team have issued a Fire Safety Order requiring cladding removal and replacement. Appropriate precautionary interim fire safety measures are currently in place to assist in safeguarding occupants whilst cladding removal and replacement works are scheduled. The interim measures include raising site cladding risk awareness with all building occupants; the removal of potential fire hazards/processes from critical potential fire start areas; the introduction of site management procedure plans and temporary rules to carefully manage hot/building maintenance works and the implementation of any expert recommendations.

An inspection of the premises, undertaken by a Council investigation officer on 26 October 2022, revealed there were no other significant fire safety issues occurring within the building. Comments made by FRNSW have been investigated and at the time of inspection, all fire safety systems were operational.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to in respect to repairing the Fire Hydrant System and some general housekeeping, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

Chronology:

Date	Event
21/9/2022	FRNSW correspondence received regarding premises.
26/10/2022	<p>Council officers conducted an inspection of the premises and determined that provisions for fire safety were not to the standards expressed under the current fire safety schedule and the provisions of Part 10 Section 81 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> (EPAR 2021). The following was noted:</p> <ul style="list-style-type: none">• A red strobe light was not located on the outside of the building, visible from the main approach to the building to indicate the location of the fire indicator panel.• Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the feed connections at the booster assembly and all internal hydrant valves throughout the premises.• Multiple internal hydrant valves throughout the premises appeared to be sloping more than 35° below the horizontal, contrary to the requirements of Clause 3.5.1 of AS2419.1-2005.• Multiple internal hydrant valves throughout the premises did not achieve clearances around the outlet of not less than 300mm through an arc of 225° to facilitate hose coupling, contrary to the requirements of Clause 3.5.2 of AS2419.1-2005.• Non-fire equipment and/or services were located/installed within multiple fire hose reel cabinets throughout the premises.• The exit sign above the central fire door on Level 1 carpark was missing the pictorial element.• Items, including but not limited to a garden hose, electrical extension leads/cords and a broom, were being stored within the fire exit stair well on Level 2 (Building Entrance 1).
28/10/2022	Corrective action letter issued, pertaining to FRNSW matters raised- nominating compliance time frames.

FIRE AND RESCUE NSW REPORT:

References: BFS22/2350 (21388)

Fire and Rescue NSW conducted an inspection of the subject premises in response to the Project Remediate program being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW.

Issues

The report from FRNSW detailed a number of issues, in particular noting;

Issue	City response
<p>1A. The Automatic Fire Detection and Alarm System:</p> <p>A. A red strobe light was not located on the outside of the building, visible from the main approach to the building to indicate the location of the fire indicator panel, contrary to the requirements of Clause 3.8 of AS1670.1–2004.</p>	<p>To be addressed by Council's written instruction of 28 October 2022, requiring engaging suitable fire safety practitioners to propose a new location for the existing strobe in accordance with Clause 3.8 of AS1670.1–2004 and relocate it to the satisfaction of Council's Officer.</p>
<p>1B. The Fire Hydrant System:</p> <p>A. The booster assembly:</p> <p>i. Boost pressure and test pressure signage was not provided at the hydrant booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.</p> <p>B. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the feed connections at the booster assembly and all internal hydrant valves throughout 'the premises', contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009, Clause 3.5 of AS2419.3-2012, 'and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.</p> <p>C. Fire hydrant accessibility – Multiple internal hydrant valves throughout 'the premises' appeared to be sloping more than 35° below the horizontal, contrary to the requirements of Clause 3.5.1 of AS2419.1-2005.</p> <p>D. Fire hydrant clearances – Multiple internal hydrant valves throughout the premises did not achieve clearances around the outlet of not less than 300mm through an arc of 225° to facilitate hose coupling, contrary to the requirements of Clause 3.5.2 of AS2419.1-2005.</p>	<p>To be addressed by Council's written instruction of 28 October 2022, requiring:</p> <p>A. The booster assembly:</p> <p>i. Signage - Install boost pressure and test pressure signage to the fire brigade booster assembly in accordance with the requirements of Clause 7.10.1 of Australian Standard 2419.1-2005.</p> <p>B. Install Storz couplings to the feed connections at the booster assembly and all internal hydrant valves throughout 'the premises', to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009, Clause 3.5 of AS2419.3-2012, 'and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.</p> <p>C. The system shall be inspected by a competent fire safety practitioner and adjusted/upgraded to conform with the requirements of Clause 3.5.1 of AS2419.1-2005.</p> <p>D. The system shall be inspected by a competent fire safety practitioner and adjusted/upgraded to conform with the requirements of Clause 3.5.2 of AS2419.1-2005.</p>

Issue	City response
<p>1C. Fire Hose Reels (FHR's):</p> <p>A. Non-fire equipment and/or services were located/installed within multiple fire hose reel cabinets throughout 'the premises', contrary to Clause 10.4.4 of AS2441–2005. In this regard, the following issues were identified at the time of the inspection:</p> <p>i. The FHR cupboard on Level 5 (Oatley Road Entrance 1) contained communications services/wiring.</p> <p>ii. The FHR cupboards on Level 2 and level 5 (Oatley Road Entrance 1) contained stored items.</p>	<p>To be addressed by Council's written instruction of 28 October 2022, requiring non-fire equipment and/or services to be removed from all fire hose reel cabinets.</p>
<p>1D. Exit signs:</p> <p>A. The exit sign above the central fire door on Level 1 carpark (adjacent to car space no. 18), which provides egress into to the residential corridor and exit stairway) was missing the pictorial element and had not been maintained, contrary to the requirements of Clause 81 of the EPAR 2021. It appears that this doorway is a required exit for travel distance purposes from the carpark level (when the sliding fire door is in the closed position), to satisfy the requirements of Clause D1.4(c) of the National Construction Code Volume One Building Code of Australia (NCC).</p>	<p>To be addressed by Council's written instruction of 28 October 2022 requiring a review of this doorway and exit sign to be conducted by a competent fire safety practitioner and a report submitted to Council confirming whether the doorway is a required exit for travel distance purposes or whether it is not a required exit. The report shall be assessed by Council for further consideration and instruction.</p>
<p>2. Access and Egress</p> <p>2A. Items, including but not limited to a garden hose, electrical extension leads/cords and a broom, were being stored within the fire exit on Level 2 (Building Entrance 1), contrary to the requirements of Clause 109 of the EPAR 2021.</p>	<p>To be addressed by Council's written instruction of 28 October 2022 requiring to remove all non-fire equipment from the fire exit stair well and ensure the required exit is not used to store maintenance material contrary to the requirements of Section 109.</p>
<p>3. Generally:</p> <p>3A. Access and Egress:</p> <p>A. The fire-isolated stairs at the Oatley Road Entrance 1 end of the building, discharges internally into the entry lobby on Level 2, contrary to the requirements of Clause D1.7(b) of the NCC.</p> <p>B. Thresholds – The door into the fire stair on Level 5 (Oatley Road Entrance 1 - Units 13-16) contains a step at the threshold, contrary to the requirements of Clause D2.15 of the NCC.</p> <p>C. Exit travel distances – It appears that there are points on the floor on Level 1 (main switchboard and corridor for Units 2-5) which are more than 20m to the single exit, contrary to the requirements of Clause D1.4(c) of the NCC.</p>	<p>To be addressed by Council's written instruction of 28 October 2022 to implement a review of the general observations made by FRNSW and Council be conducted by a competent fire safety practitioner or building consultant to furnish comments and or recommendations in relation to the observations made. A report shall be prepared and submitted to Council for review. The report shall be assessed by Council for further consideration and instruction.</p>

Issue	City response
<p>3B. Services and Equipment</p> <p>A. Hydrant and hose reel coverage – It is unclear whether sufficient fire hydrant and fire hose reel coverage is provided throughout ‘the premises’, in accordance with the requirements of Clause 3.2.3 of AS2419.1-2005 and Clause 10.2 of AS2441-2005, in particular to some of the double storey units where coverage is reliant from the internal hydrant/fire hose reel on the level above/below.</p>	

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address any other deficiencies identified on ‘the premises’ and require item no. 1 through to no. 2 of the FRNSW report be addressed appropriately and give consideration to the other deficiencies identified on “the premises” identified in item no. 3.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other

As a result of the above site inspection undertaken by Council investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued by Council officers to rectify the identified fire safety deficiencies noted by FRNSW.

The above correspondence has instructed the responsible site personnel to carry out corrective actions to promote compliance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Council’s correspondence occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council’s actions and outcomes.

Trim Reference: 2022/496784-01

CSM reference No:2855067

Unclassified



File Ref. No: BFS22/2350 (21388)
TRIM Ref. No: D22/82952
Contact: [REDACTED]

21 September 2022

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
'PADDINGTON CENTRAL'
13 OATLEY ROAD, PADDINGTON ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 14 September 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Fire and Rescue NSW

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Community Safety Directorate
Fire Safety Compliance Unit

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Unclassified

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following items were identified as concerns at the time of the inspection:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

- A. A red strobe light was not located on the outside of the building, visible from the main approach to the building to indicate the location of the fire indicator panel, contrary to the requirements of Clause 3.8 of AS1670.1-2004.

1B. The Fire Hydrant System:

A. The booster assembly:

- i. Boost pressure and test pressure signage was not provided at the hydrant booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.

- B. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the feed connections at the booster assembly and all internal hydrant valves throughout 'the premises', contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1-2005, Clauses 1.2 and 3.4 of AS2419.2-2009, Clause 3.5 of AS2419.3-2012, 'and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.

- C. Fire hydrant accessibility – Multiple internal hydrant valves throughout 'the premises' appeared to be sloping more than 35° below the horizontal, contrary to the requirements of Clause 3.5.1 of AS2419.1-2005.

- D. Fire hydrant clearances – Multiple internal hydrant valves throughout the premises did not achieve clearances around the outlet of not less than 300mm through an arc of 225° to facilitate hose coupling, contrary to the requirements of Clause 3.5.2 of AS2419.1-2005.

1C. Fire Hose Reels (FHR's):

- A. Non-fire equipment and/or services were located/installed within multiple fire hose reel cabinets throughout 'the premises', contrary to Clause 10.4.4 of AS2441–2005. In this regard, the following issues were identified at the time of the inspection:
 - i. The FHR cupboard on Level 5 (Oatley Road Entrance 1) contained communications services/wiring.
 - ii. The FHR cupboards on Level 2 and level 5 (Oatley Road Entrance 1) contained stored items.

1D. Exit signs:

- A. The exit sign above the central fire door on Level 1 carpark (adjacent to car space no. 18), which provides egress into to the residential corridor and exit stairway) was missing the pictorial element and had not been maintained, contrary to the requirements of Clause 81 of the EPAR 2021. It appears that this doorway is a required exit for travel distance purposes from the carpark level (when the sliding fire door is in the closed position), to satisfy the requirements of Clause D1.4(c) of the National Construction Code Volume One Building Code of Australia (NCC).

2. Access and Egress

- 2A. Items, including but not limited to a garden hose, electrical extension leads/cords and a broom, were being stored within the fire exit on Level 2 (Building Entrance 1), contrary to the requirements of Clause 109 of the EPAR 2021.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

3. Generally:

3A. Access and Egress:

- A. The fire-isolated stairs at the Oatley Road Entrance 1 end of the building, discharges internally into the entry lobby on Level 2, contrary to the requirements of Clause D1.7(b) of the NCC.

- B. Thresholds – The door into the fire stair on Level 5 (Oatley Road Entrance 1 - Units 13-16) contains a step at the threshold, contrary to the requirements of Clause D2.15 of the NCC.
- C. Exit travel distances – It appears that there are points on the floor on Level 1 (main switchboard and corridor for Units 2-5) which are more than 20m to the single exit, contrary to the requirements of Clause D1.4(c) of the NCC.

3B. Services and Equipment

- A. Hydrant and hose reel coverage – It is unclear whether sufficient fire hydrant and fire hose reel coverage is provided throughout 'the premises', in accordance with the requirements of Clause 3.2.3 of AS2419.1-2005 and Clause 10.2 of AS2441-2005, in particular to some of the double storey units where coverage is reliant from the internal hydrant/fire hose reel on the level above/below.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 through to item no. 2 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 3 of this report.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on [REDACTED]. Please ensure that you refer to file reference BFS22/2350 (21388) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit